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FM AMEMBASSY NAIROBI
TO RUCNDT/USMISSION USUN NEW YORK PRIORITY 7480
RUEHC/SECSTATE WASHDC PRIORITY 8784
INFO RUEHXR/RWANDA COLLECTIVE PRIORITY
RUEHDR/AMEMBASSY DAR ES SALAAM PRIORITY 6390
RUEHLGB/AMEMBASSY KIGALI PRIORITY 5285
RUEHLO/AMEMBASSY LONDON PRIORITY 3114
RUEHFR/AMEMBASSY PARIS PRIORITY 2980
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RHMFISS/CJTF HOA PRIORITY
RUZEFAA/HQ USAFRICOM STUTTGART GE PRIORITY

C O N F I D E N T I A L NAIROBI 000481

SIPDIS

DEPT FOR AF/E AND S/WCI

E.O. 12958: DECL: 12/15/2018

TAGS: [PREL](#) [PGOV](#) [PHUM](#) [KCRM](#) [KE](#) [RW](#)

SUBJECT: RWANDA WAR CRIMES PROSECUTOR MAKES FINAL APPEAL
FOR KENYAN COOPERATION

REF: A. A. 08 NAIROBI 1593
[1](#)B. B. 08 NAIROBI 1354
[1](#)C. C. 08 NAIROBI 1220
[1](#)D. D. 07 NAIROBI 4630
[1](#)E. E. 07 NAIROBI 3739
[1](#)F. F. 07 NAIROBI 1416
[1](#)G. G. 06 NAIROBI 5310

Classified By: Political Officer Samuel Madsen, Reasons 1.4 b,d

[1](#)1. (U) On March 2 ICTR Chief Prosecutor Hassan Bubacar Jallow briefed representatives of the informal "Friends of the ICTR," made up of several African and western diplomatic missions in Nairobi, Kenya on the status of efforts to apprehend fugitive Rwandan war crimes suspect Felicien Kabuga, who the ICTR believes to be hiding in Kenya. Prosecutor Jallow provided the group with copies of a new letter he had sent to Kenyan Attorney General S. Amos Wako, repeating the ICTR's request for greater cooperation from the Kenyan government in the search for Kabuga. Jallow informed the group that he is giving the Kenyan government 30 days to provide a satisfactory response. If none is forthcoming Jallow will inform the Kenyans that they have 30 days before he formally cites them as being uncooperative in the ICTR's effort to find and arrest Kabuga.

[1](#)2. (U) Jallow noted that the Kenyan government now claims Kabuga has left the country. When asked to produce evidence that Kabuga had departed the country, as well as details on when, by what means and to where, the Kenyans claimed that such information is very difficult to gather due to the immigration service's manual record keeping system. As of early March the Kenyan immigrations services had provided no further information to the ICTR.

[1](#)3. (U) Jallow noted that the ICTR continues to believe that Kabuga uses Kenya as a base of operations. In his letter to Attorney General Wako, Jallow asked the Kenyan government to take specific steps to seize bank accounts and properties linked to Kabuga or his immediate family members. ICTR investigators believe the Kenyan Revenue Authority has sufficient evidence of violations of Kenyan tax laws to file charges against several individuals linked to Kabuga. Jallow noted that, in his opinion, there has been enough investigations into Kabuga, the time has come for action.

[1](#)4. (U) An ICTR investigator noted that each time the tribunal has threatened to cite Kenya to the UNSC the government has claimed to discover new informants or other

sources of information on Kabuga. However, the ICTR has also received reports that some informants claiming to have information on Kabuga have been rebuffed when trying to present their information to the Kenyan police. (NOTE: The investigator admitted that at least some of these informants do not appear to be credible). They noted that other potential witnesses have refused to go to the Kenyan police because they do not trust them and fear for their own safety.

15. COMMENT: (C) Jallow remains convinced that elements within the Kenyan government and business elites continue to protect Kabuga and prevent an effective effort to either arrest him or seize his assets. For their part, the Kenyan government and security services continue to insist they are cooperating fully and claim they will gladly arrest Kabuga if the ICTR will only tell them where he is. While a formal citation to the UNSG of non-cooperation may result in additional measures, such as seizures of additional Kabuga linked properties or accounts, the Kenyan government probably believes it can endure any pressure brought to bear by the ICTR, the international community or UN until the ICTR's mandate finally expires. End Comment.
RANNEBERGER